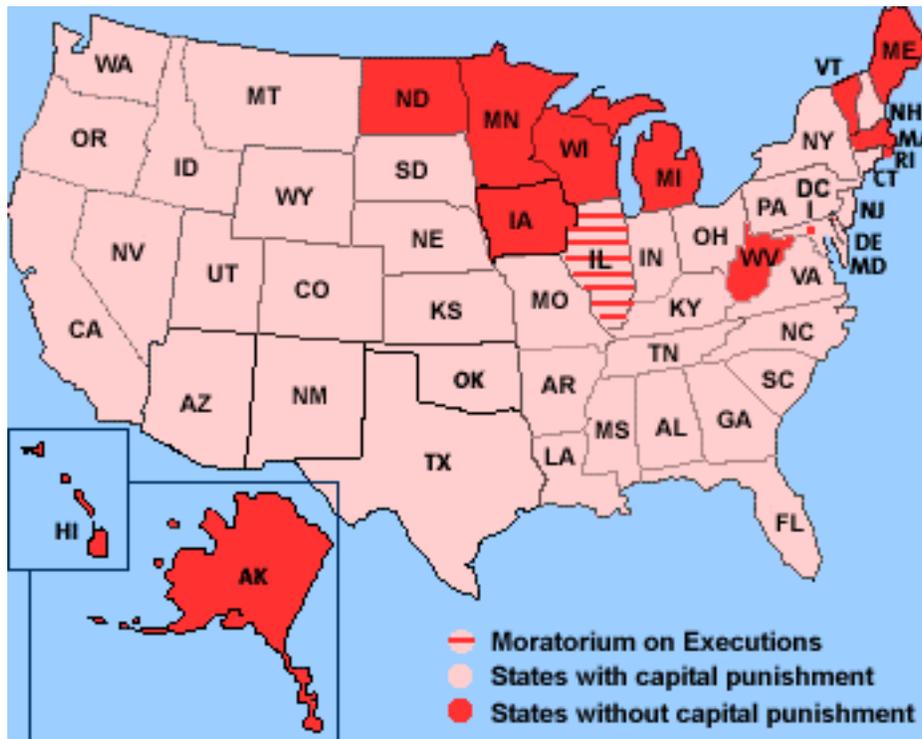




## Capital Punishment

### WHAT'S NEW

- [Right of Replay. Intervention on the Death Penalty.](#) Ambassador Minikes Remarks to OSCE Permanent Council, July 25, 2002.
- [Report of the Governor's Commission on Capital Punishment, April 2002 pdf](#)
- [Capital Punishment \(IIP\)](#)



### BACKGROUND

- [Official U.S. government statements and documents](#)
- [Further sources of information and links to Internet sites for further research](#)

### COMMENTARY

● [Recent studies, books and journal articles](#)

● [Contact the Governors](#)

"The issue of whether a State imposes the death penalty is a political issue each nation has to decide for itself. In the United States, under our Constitution, individual states are permitted to make that decision. It is an issue, as we have repeatedly said, with respect to which reasonable people disagree. The debate and divergent points of view, however, continue. We believe, therefore, that in a democratic society the criminal justice system, including the punishments prescribed for the most serious crimes, should reflect the will of the people, freely expressed and appropriately implemented."

[Right of Reply Intervention on Capital Punishment. Ambassador Stephan M. Minikes. Vienna, Austria, August 29, 2002.](#)

## BACKGROUND

### [Government - Documents - Research](#)

#### Government

[Right of Replay. Intervention on the Death Penalty.](#) Ambassador Minikes to the OSCE Permanent Council, Vienna, Austria, July 25, 2002.

The issue of capital punishment is one on which reasonable people disagree, and a "passionate and extensive debate" on the issue is going on in the legal and greater community in the United States, Ambassador Stephan M. Minikes told the OSCE Permanent Council in Vienna July 25. Minikes, head of the U.S. Mission to the OSCE, reviewed recent U.S. court decisions and polling data and promised to keep the OSCE apprised of further developments. "We assure you that the U.S. and its states take seriously due process guarantees and provide exhaustive appeals before this ultimate punishment is carried out," he said.

[Statement on Capital Punishment.](#) Ambassador Ambassador Stephan M. Minikes to the OSCE Permanent Council, Vienna, Austria, June 6, 2002.

The issue of capital punishment "remains a matter of continuing, very open, very healthy, and sometimes heated, discussion in the U.S. with diverging points of view being expressed," U.S. Ambassador to the Organization for Security and Cooperation in Europe Stephan M. Minikes told the OSCE Permanent Council in Vienna. He noted that while a majority of Americans favor the death penalty, public support has

dropped from 80 percent to 63 percent since 1994. He also noted that support in Europe has been growing.

[Number of executions in the United States for 1930 through 2001](#). U.S. Department of Justice. Bureau of Justice Statistics. Washington, DC, January 16, 2002.

Area chart of the number of executions in the United States for 1930 through 2000. Between 1930 and 1947, executions averaged 151 per year, ranging from a low of 117 in 1945 to a high of 199 in 1935. Beginning in 1948, the number of annual executions began to drop off, declining steadily to zero in 1968. No executions were carried out from 1968 through 1976. The number of executions was sporadic from 1977 through 1983. Starting in 1984, the number began to gradually increase, averaging about 21 per year until 1993. The number of executions jumped from 45 in 1996 to 74 in 1997. After a peak of 98 in 1999, the number of executions has been gradually declining: 85 persons were executed in 2000 and 66 in 2001.

Exchange of Information on the Death Penalty. Stephen Epstein, member of the U.S. delegation to the Human Dimension Implementation Meeting of the Organization for Security and Cooperation in Europe. Warsaw, Poland, September 19, 2001.

"With regard to the death penalty in the United States today: we have been listening closely. And we note that in the United States, capital punishment is also a controversial and emotional issue, with strong opponents and defenders. The death penalty in the U.S. is not applied monolithically. A number of states do not use capital punishment, either because of a moratorium, or a statutory judicial prohibition. And, most of the states that do permit capital punishment rarely impose it. At present, a majority of Americans continues to support use of the death penalty for the most heinous of crimes. Therefore, the majority of states and the federal government retain the authority to impose capital punishment. It is the position of the United States government that the practice of the death penalty in the United States and its constituent states is consistent with international law. International law limits capital punishment to the most serious crimes and requires certain safeguards, most notably due process, but it does not prohibit capital punishment. The International Covenant on Civil and Political Rights specifically recognizes the right of states that have not abolished the death penalty, to impose it. In the United States, the U.S. Supreme Court has strictly limited the application of the death penalty to conform to the international obligations we have accepted. In the past, the United States has not hesitated to share its views on a wide variety of issues with the rest of the world. And, in the same spirit, we welcome this opportunity to receive the opinions of some of our friends around this table. I will carry your views back to Washington. Further, you should know that your views are covered fully in the American media, and so contribute to the ongoing debate within the United States. We value the honesty of your comments, and thank you for the constructive spirit in which they have been offered."

[Statement on Capital Punishment](#). Ambassador David T. Johnson, Chief of U.S. Mission to the Organization for Security and Cooperation in Europe. Vienna, Austria, June 21, 2001.

"The issue of capital punishment remains a matter of vigorous public debate in the United States. Although polls indicate a majority of Americans support the death penalty, it is a matter of increasing discussion in the United States, and diverging points of view are frequently expressed."

[Ashcroft Remarks on Federal Death Penalty](#). Testifying before the House Judiciary Committee. Attorney General John Ashcroft. Washington, DC, June 06, 2001. Attorney General John Ashcroft says a new Justice Department review of federal death penalty cases has found no racial or ethnic bias in the administering of capital punishment in the United States. Testifying before the House Judiciary Committee June 6, Ashcroft said that while the majority of defendants facing federal death sentences are minorities, the Study indicated that U.S. attorneys recommend the death penalty in smaller proportions in the submitted cases involving African American or Hispanic defendants than in those involving white defendants. He said the study involved a review of 700 cases undertaken by his predecessor, former Attorney General Janet Reno, and an additional 250 cases evaluated on federal enforcement policies and practices. In addition to looking at statistics regarding race, Ashcroft said the study examines why those accused of drug charges and terrorism result in a pool of defendants being charged and tried in the federal system. "It is this category of murders that you in Congress have identified as being grievous enough to warrant the death sentence, and it is the department's responsibility to protect those federal interests, as expressed in the law enacted by Congress and signed by the president," he said. The review also showed that white defendants were twice as likely than minority defendants to escape death sentences through plea agreements with prosecutors, and Ashcroft said the Justice Department would review all such deals in the future to ensure fairness.

[U.S. Votes Against Resolution on Death Penalty at the Commission on Human Rights Meeting](#). Ambassador George E. Moose. Geneva, Switzerland, April 25, 2001. "Each nation should decide for itself through democratic processes whether its domestic law should permit capital punishment in accordance with international law. In the United States there is public debate on the use of capital punishment, but the American public is of one mind that when the death penalty is used, due process must be rigorously observed by all governmental bodies at all governmental levels."

[U.S. House of Representatives Statement of the Honorable William D. Delahunt of Massachusetts on the Introduction of the Innocence Protection Act of 2001](#). Washington, DC, March 7, 2001. "I am very pleased to be here today to join with Senators Leahy, Collins and Smith and Representatives LaHood and Pryce in introducing the Innocence Protection Act of 2001. I am especially pleased to be able to report that we are introducing this bipartisan measure with more than 100 cosponsors in the House of Representatives. I think what that kind of momentum indicates is that this bill represents an idea whose time has come."

[Congressional Record Statement on Introduction the Innocence Protection Act 2001](#). Senator Patrick Leahy, Washington DC, March 5, 2001. "A year ago, along with several of my colleagues, I introduced the Innocence Protection Act of 2000. I hoped this bill would stimulate a national debate and begin work on national reforms on what is, as I said, a national problem. A year later, the national debate is well under way, but the need for real, concrete reforms is more urgent than ever. Today, my friend Gordon Smith and I are introducing the Innocence Protection Act of 2001. We are joined by Senators from both sides of the aisle, by

some who support capital punishment and by others who oppose it. On the Republican side, I want to thank Senators Susan Collins and Lincoln Chafee, and my fellow Vermonter Jim Jeffords. On the Democratic side, my thanks to Senators Levin, Feingold, Kennedy, Akaka, Mikulski, Dodd, Lieberman, Torricelli, Wellstone, Boxer, and Corzine. I also want to thank our House sponsors William Delahunt and Ray LaHood, along with their 117 additional cosponsors, both Democratic and Republican. Over the last year we have turned the corner in showing that the death penalty process is broken. Now we will push forward to our goal of acting on reforms that address these problems."

[Statement on Capital Punishment.](#) Ambassador David T. Johnson, Chief of U.S. Mission to the Organization for Security and Cooperation in Europe. Vienna, Austria, March 1, 2001.

"As the United States noted in its intervention on January 18 and on other occasions, the question of capital punishment is a matter of intense and serious debate in the United States, as well as in numerous international fora. Each person facing potential capital punishment in the United States is constitutionally provided fair, impartial proceedings, the right to appeal, and the assistance of legal counsel. Under United States law, an individual sentenced to death is entitled to a fact-finding procedure that affords a full and fair hearing to assess his or her mental competence. We continue to believe that the use of the death penalty on juvenile offenders is not inconsistent with international law."

[Department of Justice Releases Rules Governing Petitions for Executive Clemency in Capital Cases.](#) Department of Justice. Washington, D.C., August 2, 2000.

The Justice Department released new regulations outlining the process by which individuals sentenced to death by a U.S. District Court can seek clemency from the President. The regulations, which were signed by Attorney General Janet Reno and approved by President Clinton, became effective on August 2, 2000. The new rules supplement the clemency regulations that already exist for non-death penalty cases.

[Hearing On Post-Conviction DNA Testing.](#) Statement of Senator Patrick Leahy, Ranking Member, Senate Judiciary Committee, Washington, D.C., June 13, 2000.

"The American people know this, and they understand the power of modern science, in the form of DNA evidence, to help prosecutors and innocent defendants alike establish the truth about guilt and innocence, and to save innocent lives. In a recent poll, more than 90 percent of Americans agreed with leaders like President Clinton, Governor Ryan of Illinois, Governor Glendening of Maryland, and Governor Bush of Texas, with conservative columnist George Will, with former Reagan Administration Department of Justice official Bruce Fein, and with the American Association of Public Health Physicians... that DNA testing should be made available to defendants and inmates in all cases in which it has the potential to establish guilt or innocence. The American people also know that while Illinois and New York have made DNA testing available in appropriate cases, most of the States that have the death penalty have not met that standard. DNA testing has opened a window to give us a disturbing view of the defects of capital punishment systems nationwide. Mounting evidence suggests that the cases in which DNA evidence has proven death row inmates innocent are just the tip of an iceberg of constitutional violations and wrongful convictions in death penalty cases. But DNA is a good starting point." [See also](#)

[Post-Conviction DNA Testing: When is Justice Served?](#) Hearing Before the Committee on the Judiciary United States Senate. Washington, D.C., June 13, 2000. Witnesses: The Honorable Drew Edmonson, Enid Camps, Esq., The Honorable Elliott Spitzer, The Honorable Charles F. Baird, Barry Scheck, Esq., Josh Marquis, Esq., George Clarke, Esq., Mr. Dennis Fritz, James Wooley, Esq., Bryan Stevenson.

[Press release on Moratorium on Executions.](#) Governor George H. Ryan. Chicago, Illinois, January 31, 2000.

Governor George H. Ryan today declared a moratorium on executions of any more Illinois Death Row inmates until a Commission he will appoint to conduct a review of the administration of the death penalty in Illinois can make recommendations to him. "I now favor a moratorium, because I have grave concerns about our state's shameful record of convicting innocent people and putting them on death row," Governor Ryan said. "And, I believe, many Illinois residents now feel that same deep reservation. I cannot support a system, which, in its administration, has proven to be so fraught with error and has come so close to the ultimate nightmare, the state's taking of innocent life. Thirteen people have been found to have been wrongfully convicted."

## Documents

[Report of the Governor's Commission on Capital Punishment.](#) April 15, 2002.

Chapter 1-- Introduction and Background  
Chapter 2 – Police and Pretrial Investigations  
Chapter 3 - DNA and Forensic Testing  
Chapter 4 – Eligibility for Capital Punishment  
Chapter 5 – Prosecutors' Selection of Cases for Capital Punishment  
Chapter 6 - Trial Judges  
Chapter 7 - Trial Lawyers  
Chapter 8 - Pretrial Proceedings  
Chapter 9 - The Guilt-Innocence Phase  
Chapter 10 - The Sentencing Phase  
Chapter 11 – Imposition of Sentence  
Chapter 12 – Proceedings following Conviction and Sentence  
Chapter 13 – Funding  
Chapter 14 – General Recommendations  
Conclusion  
Bibliography  
Appendix

[Report of the Governor's Commission on Capital Punishment Technical Appendix.](#)  
April 2002.

[Report of the Governor's Commission on Capital Punishment Recommendations Only.](#) April 2002

[Mandatory Justice: Eighteen Reforms to the Death Penalty.](#) This report was

presented the Senate Judiciary Committee hearing, "Protecting the Innocent: Ensuring competent counsel in death penalty cases", on June 27, 2001.

A distinguished panel composed of former judges, state attorneys general, federal prosecutors, law enforcement officials, and governors recommends adequate compensation, standards and training for defense counsel; the removal of certain classes of defendants and homicides from death penalty eligibility; greater flexibility for introducing evidence that casts doubt on a conviction or sentence; gathering of data on the role of race in capital punishment and involvement of all races in the decision-making process; elimination of a judge's ability to impose a death sentence despite a jury recommendation for life imprisonment; and requiring prosecutors to open their files to the defense in death penalty cases.

[The Federal Death Penalty System: Supplementary Data, Analysis and Revised Protocols for Capital Case Review](#), June 6, 2001.

Results of a U.S. Department of Justice review of allegations that the federal death penalty prosecution unfairly targets minorities. Report analysis reveals that the protections and remedies inherent in the death penalty process prevent racial and ethnic bias. The Study indicated that U.S. attorneys recommend the death penalty in smaller proportions in the submitted cases involving African American or Hispanic defendants than in those involving white defendants.

[Capital Punishment: An Overview of Federal Death Penalty Statutes](#). CRS Report. May 9, 2001.

With the passage of P.L. 103-322, the Violent Crime Control and Law Enforcement Act of 1994, the federal death penalty became available as a possible punishment for a substantial number of new and existing civilian offenses. On April 24, 1996, the Antiterrorism and Effective Death Penalty Act of 1996 made further modifications and additions to the list of federal capital crimes. This report lists the current federal capital offenses and summarizes the procedures for federal civilian death penalty cases.

[Capital Punishment 2000](#)

At yearend 2000 the death penalty was authorized by 38 States and the Federal Government. During 2000 no State enacted new legislation authorizing capital punishment. During 2000, 5 States revised statutory provisions relating to the death penalty. Most of the changes involved additional aggravating circumstances and procedural amendments. Capital Punishment 1999

[Rules Governing Petitions for Executive Clemency: Victim Notification and Comment](#).

Department of Justice. Office of the Pardon Attorney. In: Federal Register. September 28, 2000 (Volume 65, Number 189), pp. 58223 - 58224.

[Rules Governing Petitions for Executive Clemency: Capital Cases](#). Department of Justice. Office of the Pardon Attorney. In: Federal Register. August 8, 2000 (Volume 65, Number 153), pp. 48379 - 48381.

[Survey of the Federal Death Penalty System](#). U.S. Department of Justice, Washington, D.C., September 12, 2000.

"This Survey provides information regarding the federal death penalty system since the enactment of the first modern capital punishment statute in 1988. The Survey explains the Department of Justice's internal decision-making process for deciding whether to seek the death penalty in individual cases, and presents statistical information focusing on racial/ethnic and geographic distribution of defendants and their victims at particular stages of that decision-making process."

[Sourcebook of Criminal Justice Statistics](#). U.S. Department of Justice. Bureau of Justice Statistics.

The Sourcebook of Criminal Justice Statistics brings together data about all aspects of criminal justice in the United States presented in over 600 tables from more than 100 sources. Most recently, this site presented the 26th edition of Sourcebook, published in October 1999. Although the publication of Sourcebook is an annual event, its compilation is an ongoing process. In the Sourcebook of Criminal Justice Statistics of the Bureau of Justice Statistics are surveys on crime and criminal justice-related topics like death penalty. Results of polls conducted by The Gallup Organization; Louis Harris and Associates; the National Opinion Research Center; the Monitoring the Future Project at the Institute for Social Research, University of Michigan; the National Center on Addiction and Substance Abuse at Columbia University; and others are included.

[German and American Prosecutions](#). U.S. Department of Justice, Bureau of Justice Statistics.

An approach to Statistical Comparison which provides a statistical comparison of German and American prosecutions, focusing mainly on charging, conviction, and sentencing rates for selected crimes. Although German prosecutors are legally obligated to charge all serious cases that are prosecutable and American prosecutors have wide discretion, the report finds that the percentage of cases actually charged is similar for most offenses examined.

[Liebman Study](#).

Landmark Study Finds Capital Punishment System "Fraught with Error". James S. Liebman, Law School, Columbia University, New York, New York, June 13, 2000.

This is an introduction to the study by James S. Liebman published on the web site of the Columbia University under News. A groundbreaking study examined every capital conviction and appeal between 1973 and 1995 (nearly 5,500 judicial decisions). By moving beyond individual cases, this report, entitled *A Broken System: Error Rates in Capital Cases*, reveals a death penalty system collapsing under the weight of its own mistakes.

Nationally, during the 23-year study period, the overall rate of prejudicial error in the American capital punishment system was 68%. \* (In other words, courts found serious, reversible error in nearly 7 out of every 10 of the capital cases that were finally reviewed during this period.)

The study found that the errors that lead courts to overturn capital sentences are not mere technicalities. The three most common errors are: (1) egregiously incompetent defense lawyers (37%); (2) prosecutorial misconduct, often the suppression of evidence of innocence (19%); and (3) faulty instructions to jurors (20%). Combined, these three constitute 76% of all error in capital punishment proceedings.

This amount of error imposes terrible costs on victims' families, the innocent, taxpayers, and the judicial system. Together, they undermine the finality, retribution and deterrence that are the reasons usually cited for having a death penalty. [Full text of the Report: A Broken System: Error Rates in Capital Cases](#)

[Federal Death Penalty Cases: Recommendations Concerning the Cost and Quality of Defense Representation.](#) Prepared by Subcommittee on Federal Death Penalty Cases Committee on Defender Services Judicial Conference of the United States. Honorable James R. Spencer, Subcommittee Chair; Honorable Robin J. Cauthron; Honorable Nancy G. Edmunds. May 1998.

### [Antiterrorism and Effective Death Penalty Act of 1996](#)

Pub.L.104-132, April 24, 1996

An Act To deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.

This Act may be cited as the 'Antiterrorism and Effective Death Penalty Act of 1996'.

Title I--Habeas Corpus Reform

Title II--Justice for Victims

Title III--International Terrorism Prohibitions

Title IV--Terrorist and Criminal Alien Removal and Exclusion

Title V--Nuclear, Biological, and Chemical Weapons Restrictions

Title VI--Implementation of Plastic Explosives Convention

Title VII--Criminal Law Modifications to Counter Terrorism

Title VIII--Assistance to Law Enforcement

Title IX--Miscellaneous

## **Research**

### **Reports - Organizations - Universities**

#### **Reports**

#### [The Death Penalty and Offenders with Mental Retardation](#)

Newly released (March 2001) by Human Rights Watch, this report examines the recent history of capital punishment of mentally retarded offenders in the United States, offering "the first comprehensive human rights-based analysis of such executions."

The report reveals that 25 US states still permit the execution of offenders with mental retardation and that at least 35 such offenders have been executed since 1976. The report explores the topics of mental retardation, legal standards, and criminal culpability, and tells the stories of sixteen individuals "who have been sentenced to death despite the profound intellectual limitations they have suffered since birth."

Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly.

[Poll Releases: Where America Stands on Death Penalty.](#) Gallup News Service.

Gallup Poll on Death Penalty. (Subscription required)

## Organizations

### [American Civil Liberties Union. Death Penalty Campaign](#)

"The ACLU is our nation's guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties guaranteed to all people in this country by the constitution and laws of the United States." (website ACLU)

### [Campaign to End the Death Penalty](#)

The Campaign to End the Death Penalty was founded in 1995 and now has many chapters across the country. All of these chapters stress grassroots organizing, regularly organizing to win support for prisoners currently on death row. The Campaign is based on the idea that everyone who opposes capital punishment needs to come together to organize meetings, petitioning, pickets and protests to stop the death penalty. This site contains a five-part series about the failure of the death penalty in Illinois based on research of the 285 death penalty cases tried in Illinois since the reinstatement of capital punishment back in 1976 which was published by the *Chicago Tribune* in November 1999.

### [Capital Defense Network](#)

" The Capital Defense Network (CDN) is a community of lawyers, a team of consulting experts, and an online Web resource dedicated to assisting counsel representing clients in federal capital proceedings. Our goal is to provide the collective knowledge of the national capital defense bar to defense lawyers in federal capital proceedings and to post conviction counsel representing state death-sentenced prisoners. CDN provides support to attorneys involved in federal capital proceedings through the Federal Death Penalty Resource Counsel (FDPRC). Habeas counsel receive guidance from the Habeas Assistance and Training Counsel (HAT). Through CDN's website, both FDPRC and HAT provide information about current events, case developments, upcoming training programs, and related death penalty resources on the World Wide Web. In addition, we provide sample motions and briefs, case summaries, and guides to critical legal issues. Most of the site is available to the public. Counsel engaged in capital litigation are eligible for additional information, training, and support. The overall purpose of the website is to develop better prepared, highly trained advocates to more effectively provide "the guiding hand of counsel" to those who face the death penalty.

### [Call for a Moratorium on Executions](#)

This web site includes over 1200 groups listed by city councils, states, national, and international organizations calling for a moratorium on executions. The list was compiled by Quixote Center, an international justice and peace center.

### [Death Penalty](#)

This is a web site by the Prosecuting Attorney of Clark County, Indiana. It is a collection of hundreds of links to Pro and Con organizations, general reference, directories and other topics.

### [Death Penalty Information Center](#)

Works to educate the public about the death penalty in America, primarily through the media. Examines problems that affect the death penalty including: poverty and mental deficiency of defendants; racism; ineffective legal representation.

### [Derechos Human Rights: Death Penalty Links](#)

Web sites on facts and law, general web pages, regional and web sites of NGOs, documents, reports, articles, Pro Death-Penalty sites, abolitionist sites, sites on countries with death penalty and people on death row.

### [Homicide Trends in the United States](#)

This site contains a series of charts that describe homicide patterns, trends in the United States since 1976 and regional trends. Homicide is of interest not only because of its severity but also because it is a fairly reliable barometer of all violent crime. At a national level, no other crime is measured as accurately and precisely.

### [JUSTICE FOR ALL](#)

JUSTICE FOR ALL shall act as an advocate for change in a criminal justice system that is inadequate in protecting the lives and property of law abiding citizens. JUSTICE FOR ALL is an all-volunteer, Not-For-Profit organization founded in July 1993.

### [Moratorium 2000](#)

Moratorium 2000 is a nonprofit, nonpolitical organization dedicated to obtaining a moratorium on the death penalty. We are comprised of individuals who believe in the full protection of human rights. It works both nationally and internationally.

### [National Center for Policy Analysis](#)

The Center is an independent, nonprofit organization, founded in 1983. The Research topics and fields are: Public policy issues, including studies on taxation, health care, social security, environment, privatization, welfare, education, crime, and pensions in America.

### [National Coalition to Abolish the Death Penalty](#)

Attorneys, court personnel, professionals, and concerned individuals who oppose the death penalty. Works for the abolition of capital punishment; provides unbiased information about critical cases of convicted criminals who face imminent execution; monitor such cases and keep members abreast of events involving these executions.

### [National Commission on the Future of DNA Evidence](#)

The Commission is chaired by the Chief Justice of the Wisconsin Supreme Court, The Hon. Shirley S. Abrahamson. The nineteen commissioners encompass a broad range of policy makers and authorities concerned with the use of DNA evidence. The Commission will use this site to make public announcements about meetings, agendas, locations and times, to provide minutes of Commission meetings, and summaries of working group meetings. Recommendations, reports and other work-products of the Commission will also be available through this site.

## [Pro Death-Penalty](#)

This site is being developed as a resource for those searching the internet for pro-death penalty information and resources.

## **Universities**

### [Cornell University, Legal Information Institute](#)

This webpage shows an overview on death penalty. Federal materials as Constitution and Statutes, Federal Judicial Decisions, State Statutes, State Judicial Decisions, key internet sources and the Cornell Law School Death Penalty Project are contained.

### [Georgetown University, Law Center, E.B. William Law Library](#)

This site offers primary legal material and other government resources.

### [Michigan State University. Death Penalty Information Center](#)

Michigan State University maps detailing states that allow capital punishment of juveniles and the mentally retarded, and a map indicating states with a law for "life without parole" sentences.

### [Northern Illinois University, Department of Sociology, Critical Criminal Division](#)

On the webpage titled Death Penalty Information & Resources was designed a collection of all important material on the topic. The annual reports of the Department of Justice, statistics, legislation, fact sheets etc.

### [Southern Methodist University, Dallas, Texas](#)

The website of the university includes Death Penalty News & Updates

### [St. Ambrose University, O'Keefe Library](#)

Collection of topical URLs

### [University of Alaska, Anchorage, Justice Center](#)

The Justice Center Web site says:" The purpose of this site is to provide Alaska citizens and other members of the public with a source of information on the death penalty so that they can make informed decisions on this important issue. This site has been established by the Justice Center at University of Alaska Anchorage as an educational resource... It is not intended to take sides in the debate on the death penalty. Rather, its purpose is to give as full a picture as possible, using existing Internet resources, of the complex issues surrounding capital punishment and its application."

### [University of Pittsburgh. School of Law](#)

This is a website called Law in the News which has news on the Death Penalty. A daily compilation of articles on capital punishment from a variety of U.S. and international media sources. Click on Reload or Refresh for the latest stories.

### [University of San Diego, Values Institute](#)

Under the Title Ethnics Update this website designed by Lawrence M. Hinman of the Values Institute collects Internet Resources on hot topics. The page titled Punishment and the Death Penalty comprises a number of helpful types of resources available on the web that relate to punishment in general and capital punishment in particular. These include links to court decisions, legislation, statistical information, and information about particular sites. The page also contains a PowerPoint presentation on Capital Punishment by Lawrence M. Hinman.

### [University of Tennessee at Martin.](#)

The electronic Internet Encyclopedia of Philosophy of the University Information is under the chapter Capital Punishment.

## COMMENTARY

**The Death Penalty Strange Career.** By Stuart Banner. In: *Wilson Quarterly*, vol. 26, no. 2, Spring 2002, pp. 70-82.

Last year, 66 convicted murderers were executed in the United States, and several thousand still sit on death row. Yet 30 years ago, with public support for capital punishment seemingly on the wane, the Supreme Court ruled every death penalty statute in the land unconstitutional. Today most states have death penalty laws, and the public strongly supports them. What happened? Stuart Banner, professor of law at Washington University, details the paradoxical developments of the past three decades.

**The Death Penalty and Deterrence.** By Rubin, Paul H. In: *Phi Kappa Phi Forum*, vol. 82, no. 1, Winter 2002, pp. 10-12.

The question of deterrence, says Professor Rubin, has long been at the forefront of the debate on capital punishment. After analyzing the subject in a number of case studies, he writes that each execution led to a significant reduction in the number of homicides, and it was likely that each actually deterred an even larger number. Rubin argues that the existence of a significant deterrent effect does not prove that capital punishment is good or socially desirable, but it does indicate that if it is decided not to execute murderers, that decision will lead to many additional murders in society

**Rethinking the Death Penalty: Are the Growing Doubts Justified?** By Kenneth Jost. In: *CQ Researcher*. November 16, 2001. pp. 945 - 967.

Most Americans still favor the death penalty, but support has declined in the past five years. Critics point to documented attacks on the reliability and fairness of court procedures in capital cases. They claim too many death sentences are reversed on appeal and that flaws in the system, including inadequate defense counsels, create an unacceptable risk of executing an innocent person. Supporters of capital punishment say legal safeguards are adequate and that no innocent person has been put to death in recent years. The changing climate can be seen in the enactment of state laws to limit the death penalty and in cases before the Supreme Court, which is set to decide whether it is unconstitutional to execute mentally retarded offenders.

**More Executions, Fewer Deaths?** By Iain Murray. In: *American Outlook*. Fall 2001. Death penalty proponents have found their arguments tested as never before. The contention that it is a just punishment is countered by the possibility that innocents have been executed. Although there is no proof that such a calamity has occurred since the restoration of the death penalty in 1976, its mere potential has been enough for some state governors to impose moratoria on executions. The argument that the penalty at least incapacitates the murderer himself and prevents him from murdering again has been attacked by life-imprisonment advocates as an overreaction. Murderers are the least likely of all criminals to repeat their crime, but it does occur. Until now, believers in the deterrence effect of executions have had little hard evidence with which to counter such straw man debating techniques. But a new study suggests that the death penalty deters many more murders than most people thought plausible. Iain Murray, senior research analyst specializing in crime and justice issues at the Statistical Assessment Service and a death-penalty opponent analyzes the evidence.

**A Talk with Governor George Ryan.** Bruce Shapiro. In: *The Nation*. January 8 - 15, 2001, p.17.

The author portrayed Governor George Ryan who issued in the beginning of 2000 an open-ended moratorium on executions in Illinois.

**Death Trip.** Robert Sherrill. In: *The Nation*. January 8, 2001, pp. 13 -34.

In this article, the author catalogues many miscarriages of justice in the course of applying the death penalty in the U.S. Sherrill opposes the death penalty for a variety of reasons, including the known executions of innocent defendants; botched executions; its racially discriminatory nature; overworked or incompetent public defenders; biased judges; and prosecutorial misconduct in the course of capital-punishment trials. He points out that the death penalty proves useful for politicians, including Democrats such as Bill Clinton, who exploit the issue for political gain at election time. A relatively small number of states, notably Texas and Virginia, are responsible for most of the executions. Noting that the death penalty does not in fact act as a deterrent, Sherrill believes that its continued use in the U.S. reflects the fact that "maybe we're still addicted to the religious fundamentalism... that's been a part of our social thinking since colonial days."

**DNA Testing and Capital Punishment.** Technology from the Crime Scene to the Courtroom. In: *Congressional Digest*. November 2000. p. 257 - 288.

In this special issue are the following chapters:

- DNA Testing - Overview of the Technology and its use
- The U.S. Prison Population - Trends and Characteristics
- Capital Punishment - State and Federal Profile
- Bill Summary - Major Provisions of the Innocence Protection Act
- Legislative Background - Recent Action on Death Penalty Reform

In a second part are the Pros and Cons:

PRO

- Sen. Patrick Leahy; Charles F. Baird; Equal Justice Initiative of Alabama; Innocence Project

CON

- State of California; State of Oklahoma; Clatsop County, Oregon; James Wooley

**Rethinking the Death Penalty.** By Will Manning and Jacqueline Rhoden-Trader.

In: *Corrections Today*. October 2000, pp. 22 - 25.

The authors discuss the decline of public support for the death penalty caused by moral, ethical and racial disparity issues. Manning and Rhoden-Trader show the pros and cons and the history of capital punishment.

**Why the Death Penalty Works.** By William Tucker.

In: *The American Spectator*. October 2000, pp 34 - 37.

The author of this article is a defender of capital punishment. He is a proponent of the theory that capital punishment deters from murder.

**States With No Death Penalty Share Lower Homicide Rates.** By Raymond Bonner and Ford Fessenden.

In: *New York Times*. September 22, 2000.

Because the threat of death penalty is always an argument in the discussion about capital punishment, the *New York Times* published an analysis of a survey on states with capital punishment and those without. The survey shows that states without death penalty don't have higher homicide rates than states with death penalty.

### [Polling Reports on Death Penalty](#)

PollingReport.com features national polls on death penalty. Analyses by leading pollsters are available to subscribers.

**Death Penalty Update.** By Mary H Cooper.

In: *The CQ Researcher*, January 8, 1999, pp. 3 - 19.

A series of shocking murders in the past few years has focused public attention once again on the death penalty. An update on the death penalty is presented.

**West's Encyclopedia of American Law.** Vol. 2, Minneapolis, Saint Paul pp. 216 - 220.

Chapter *Capital Punishment*

**The Death Penalty. The American Citizen's Guide the Understanding Federal and State Laws.** By Louis J. Palmer, Jefferson, N.C., 1998, 285 p.

**Encyclopedia of Capital Punishment.** By Mark Grossman, Santa Barbara, CA, 1998.

**Capital Punishment in the United States - A Documentary History.** By Susan C. Weidel.

In: *Corrections Today*. August 1999, p. 119.

The Book "Capital Punishment in the United States - A Documentary History" written by Bryan Vila and Cynthia Morris is reviewed. "Yet, the debate over the death penalty still rages on in America today. Bryan Vila and Cynthia Morris have created a road map for understanding that debate. Their documentary history includes excerpts from 112 documents that trace the death penalty debate in America from colonial times to the present day. The authors also have included an excellent bibliography of death

penalty source readings as well as a listing of major u.s. Supreme Court cases on this topic. This volume is a comprehensive and invaluable resource for any corrections administrator involved in the death penalty process."

Last updated: 08/30/2002

[Download FREE Adobe Acrobat® Reader to view PDF files](#)  
[Adobe PDF Conversion for Visually Disabled](#)

[Information Resource Center](#)  
U.S. Embassy Berlin  
[Disclaimer & Privacy Notice](#) | [Home](#) | [Index](#)

